

## **REMARKS**

### **Requirement for Restriction.**

The Examiner has required restriction under 35 U.S.C § 121 among the following claims:

Group I. Claims 1-7 and 16-19, drawn to a method of determining a Young's modulus, classified in Class 73, subclass 803; and

Group II. Claims 8-15, drawn to a tester capable of determining Young's modulus, classified in Class 73, subclass 146.

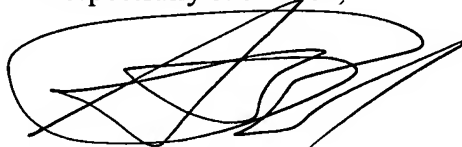
Applicant elects Claims 8-15, Group II, drawn to a tester capable of determining Young's modulus, classified in Class 73, subclass 146, with traverse.

A single inventive concept runs through all of the claims of Groups I and II, namely applying a measured axial stress and axial strain tension to the specimen, wherein the tester claimed in Group II claims applies this measured axial stress and axial strain tension to the specimen. The Examiner's rationale in making this restriction requirement is not understood since she will have to consult with the art directed to the tester in the rendering of any opinion on the patentability of the method claims.

### CONCLUSION

For the stated reasons, reconsideration is respectfully requested. The Commissioner is hereby authorized to charge or credit the Deposit Account No. 12-1322 of Locke Liddell & Sapp LLP under Order No. 020569-02100. The Examiner is requested to contact the undersigned at (713) 226-1218 should he deem it necessary to advance the prosecution of this application.

Respectfully submitted,



---

Steven S. Boyd  
Registration No. 42,353

DATED: October 26, 2005

**LOCKE LIDDELL & SAPP LLP**  
600 Travis, Suite 3400  
Houston, Texas 77002-3095  
Telephone No.: (713) 226-1218  
Facsimile No.: (713) 223-3717